IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 1616 of 2007(P)

PETITIONER:

BINU M. KHAN, S/O. AMIR KHAN,
BINU BUILDING, PAZHANKULAM P.O.,
PALLIKKAL VILLAGE.

BY ADV. SRI.RASHEED C.NOORANAD,
SRI.G.GOPAKUMAR (CHERTHALA),
SRI.SUNI M.D..

RESPONDENTS:
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1. **ADDITIONAL DISTRICT MAGISTRATE,**
   PATHANAMTHITTA.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION,
   K.S.E.B., ADOOR.

3. **K.M.HABEEB,**
   MURINGHALAYYATHU KIZHAKKETHIL,
   PAZHANKULAM WEST P.O., ADOOR TALUK.

4. **SULTHAN,**
   MANNILAZHIKATHU PUTHENVEEDU, KALLUMKADAVU,
   PATHANAPURAM.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB,
SRI.K.SASIKUMAR,
GOVT. PLEADER SMT. M.K. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1616/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: A ROUGH SKETCH SHOWING THE LIE AND LOCATION OF THE PROPERTIES.

EXT.P.2: COPY OF THE ORDER OF THE R.1. DTD. 20/11/2006.

RESPONDENT'S EXHIBIT:

EXT.R2.A: COPY OF THE ROUGH SKETCH SHOWING THE PROPOSED LINE ROUTE.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,J.

WP(C)NO.1616 OF 2007-P

Judgment

The petitioner challenges Ext.P2 order of the Additional District Magistrate, permitting the Electricity Board to draw a line through his property to give electricity connection to the third respondent. Though the Additional District Magistrate permitted drawing the line through the boundary of the properties comprised in RS Nos.223/9-1, 223/5 and 224/4 in Block No.34, the line is actually drawn, cutting across his property, it is submitted. So, this Writ Petition is filed, seeking appropriate reliefs.

2. The Electricity Board has filed a counter affidavit and along with that, a sketch has been produced. Going by the said sketch, the portion B to C cuts across the property of the petitioner. In other words, it is not in accordance with Ext.P2.

3. The third respondent has filed a counter affidavit supporting Ext.P2. I heard the learned counsel on both sides. The petitioner has suggested an alternate route to draw the line from the post at the south eastern corner of the property belonging to 4th respondent. The line will pass through the pathway on the eastern side of the property of the said respondent and the petitioner. Thereafter, it will pass through the northern boundary of the petitioner's property in Survey No.224/3 and directly reach the third respondent's residence. The petitioner undertakes, he is ready to remove all the vegetation on the northern boundary of his property and also to bear the additional expenses if any incurred by the Electricity Board by deviating from the proposal approved by the

Additional District Magistrate. The route suggested by the petitioner is shown in Ext.P1 sketch also. In view of the above submissions, the Electricity Board is directed to draw the line as suggested by the petitioner in Ext.P1 sketch. The additional expenses if any, shall be borne by the petitioner and he shall not claim any compensation for cutting and removal of any trees standing in the northern boundary of his property. If the petitioner fails to deposit the additional expenses, if any, on demand, the KSEB will be free to draw the line as permitted in Ext.P2.

The Writ Petition is disposed of as above.

26.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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